

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOSHUA EDWARDS Individually and on
Behalf of All Others Similarly Situated

Plaintiff(s)

V.

**4JLJ, LLC DBA J4 OILFIELD SERVICES
and JOHN JALUFKA**

Defendants.

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Docket No. 2:15-CV-00299

JURY TRIAL DEMANDED

COLLECTIVE ACTION
PURSUANT TO 29 U.S.C. § 216(b)

DEFENDANTS' UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants 4JLJ, LLC d/b/a J4 Oilfield Services and John Jalufka (“Defendants”) file Unopposed Motion for Continuance, and would respectfully show the Court as follows:

1. Defendant Josh Edwards filed suit on July 13, 2015, alleging violations of the Fair Labor Standards Act. *See* Dkt. No. 1. Trial is presently set on the two-week docket starting January 30, 2017. *See* Minute Entry dated September 29, 2016. This case is currently second on the Court's docket.

2. Over the MLK holiday, Lead Counsel Daniel Pipitone sustained an injury to his lower back and spine while working out and rehabilitating his anterior cruciate ligament from recent surgery. A January 19, 2017 MRI evidences that Mr. Pipitone sustained a herniated disc between his L-4 and L-5, and L5-S1 vertebrae. Mr. Pipitone's neurosurgeon recommended immediate surgery in order to prevent permanent injury.

3. On January 19, 2017, Defendants contacted Plaintiffs' counsel and provided notice of the injury and Mr. Pipitone's intent to move the Court for a continuance. Plaintiffs have stated they are unopposed to the continuance as long as the injury is legitimate and not an attempt to delay and conduct further discovery. Defendants have provided verbal assurance – and do so now in writing – that Mr. Pipitone's injury is valid and will not be used to conduct further discovery.¹

4. Acting on his doctor's recommendation, Mr. Pipitone underwent surgery today, January 23, 2017.²

5. Taking into consideration all schedules and conflicts, the Parties request to be set the Court's trial docket no earlier than April 24, 2017.

6. This continuance is not sought for purposes of delay only but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Defendants 4JLJ, LLC d/b/a J4 Oilfield Services and John Jalufka respectfully request that the Court grant Defendants' Motion for Continuance and reset this case for trial no earlier than April 24, 2017.

¹ The Parties and the Court have agreed to three limited depositions of Plaintiffs on the subject of per diem. Outside of these depositions, Defendants do not intend to request further discovery.

² Counsel will supplement this Motion with a letter from Mr. Pipitone's surgeon.

Respectfully Submitted,

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Daniel D. Pipitone

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on counsel of record by means of ECF this 23th day of January, 2017:

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/s/ Daniel D. Pipitone
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